

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**FCC 16M-25**  
10651

In the Matter of	)	EB Docket No. 03-152
	)	
<b>WILLIAM L. ZAWILA</b>	)	Facility ID No. 72672
	)	
Permittee of FM Station JBGS, Coalinga, California	)	
	)	
<b>AVENAL EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 3365
	)	
Permittee of FM Station KAAX, Avenal, California	)	
	)	
<b>CENTRAL VALLEY EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 9993
	)	
Permittee of FM Station KYAF, Firebaugh, California	)	
	)	
<b>H. L. CHARLES d/b/a FORD CITY BROADCASTING</b>	)	Facility ID No. 22030
	)	
Permittee of FM Station KZPE, Ford City, California	)	
	)	
<b>LINDA WARE d/b/a LINDSAY BROADCASTING</b>	)	Facility ID No. 37725
	)	
Licensee of FM Station KZPO, Lindsay, California	)	

**ORDER**

**Issued: August 10, 2016**

**Released: August 10, 2016**

On February 2, 2016, the Presiding Judge issued *Order*, FCC 16M-02, which amended the Hearing Designation Order (“HDO”)<sup>1</sup> to add issues raised during the course of the proceeding. William L. Zawila (“Zawila”), on behalf of himself and the other parties he claims

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<sup>1</sup> *Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order*, FCC 03-158, 18 FCC Rcd 14938 (July 16, 2003).

to represent, filed a request dated February 3, 2016 to appeal the order (“Request to Appeal”). For the reasons set forth below, Zawila’s Request to Appeal is denied.

### **Request to Appeal the Presiding Judge’s Interlocutory Order**

Interlocutory appeals from a presiding judge’s ruling as a matter of right is limited to four subjects (termination of party; discovery of privileged matters; disqualification; removal of counsel). 47 CFR § 1.301(a). Other interlocutory rulings may only be appealed if allowed by the presiding judge who made the ruling. 47 CFR § 1.301(b). That request must be filed within five (5) days of the order’s release and “shall contain a showing that the appeal presents a new or novel question of law and that the ruling is such that error would be likely to require remand should the appeal be deferred and raised as an exception.” *Id.* The ruling of a presiding judge on a request to appeal is final. *Id.*

### **10-Year Limit on Proving Character Misconduct**

Pages 2-4 of Zawila’s Request to Appeal argues that the *Order* violates FCC policy because it involves allegations of misconduct impacting his character in the Hearing Designation Order (“*HDO*”), which was issued more than ten years ago. Zawila argues that such allegations can no longer be considered under the Commission’s *Policy Regarding Character Qualifications*, (“Character Policy Statement”), 102 FCC 2d 1179, 1229 (1986). This argument has already been addressed, discussed, and dismissed in previous orders, and it will not be revisited here. *See, e.g., Order*, FCC 16M-10 at 2-3 (rel. March 21, 2016); *Order*, FCC 16M-05 at 2 (rel. Feb. 29, 2016).

### **Avenal and Central Valley’s Applicant Qualifications**

The issues added to the HDO by *Order*, FCC 16M-02 include, among other things, “whether Avenal Educational Services, Inc. was a qualified applicant pursuant to Section 73.703(a) of the Commission’s rules at the time it filed its application for the construction permit for Station KAAX([F]M),” and “whether Central Valley Educational Services, Inc. was a qualified applicant pursuant to Section 73.703(a) of the Commission’s rules at the time it filed its application for the construction permit for Station KYAF (FM).” *Id.* at 2-3. Zawila erroneously argues that the qualifications of Avenal and Central Valley as applicants were already “fully adjudicated” by the FCC and should not be “re-litigated.” Request to Appeal at 4.

However, nothing in the record suggests that the FCC went beyond the four corners of Avenal’s and Central Valley’s respective applications in evaluating their qualifications in the first instance. Nor has Zawila provided any such evidence. And as detailed in *Order*, FCC 16M-23 (rel. July 25, 2016), other information indicated that the applications were not filled out accurately in several critical respects. Since the qualifications of Avenal and Central Valley are case-determinative, it was appropriate to add those issues to the HDO.

### **Attorney-Client Privilege**

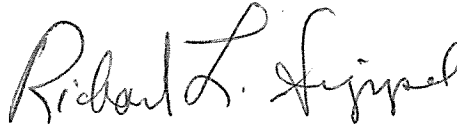
Finally, Zawila argues that the *Order* “seeks to invade the attorney-client relationship, the attorney-client privilege, and the attorney work product privilege.” Request to Appeal at 4. However, bare assertions fall well below the appeals standard laid out in 47 CFR § 1.301.

### **Conclusion**

For the reasons stated above, William L. Zawila’s Request to Appeal 2-2-16 Order (FCC 16M-02) IS DENIED.

**SO ORDERED.**

FEDERAL COMMUNICATIONS COMMISSION<sup>2</sup>

A handwritten signature in black ink, reading "Richard L. Sippel". The signature is written in a cursive, flowing style.

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>2</sup> Courtesy copies of this Order will be sent by email on issuance to all counsel, and additionally by First Class Mail to Mr. Zawila.